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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,452	03/10/2004	Sam Baghdadi	2004P03672US	4438

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Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

EXAMINER

PATEL, VISHAL A

ART UNIT PAPER NUMBER

3673

DATE MAILED: 11/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/797,452

Applicant(s)

BAGHDADI ET AL.

Examiner

Vishal Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,9-16,19 and 20 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-6,9-16,19 and 20 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5, 11-13 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Kreitmeier (US. 5,102,298).

Kreitmeier discloses a seal comprising a plurality of blades (blades 12) extending radially from a rotatable body (1) and generally forming at least one row of blades (12 forms a row of blades), a plurality of blades (11) extending radially from a stationary body (2) towards the rotatable body and generally forming at least one row of blades (Blades on body 2 and left of the blades 12 or blades 11), and the plurality of blades extending radially from the stationary body are positioned proximate to the plurality of blades extending from the rotatable body and are nonparallel with the plurality of blades extending from the rotatable body (the blades of the rotatable body are nonparallel to the blades of the stationary body). The plurality of blades coupled to the rotatable body are positioned to direct fluids from the at least one row of blades coupled to the rotatable body toward the at least one row of blades coupled to the stationary body to limit leakage of fluids from a high pressure area approximate to the at least one row of blades coupled to the stationary body to a low pressure area approximate to the at least one row of blades coupled to the rotatable body (this limitation is considered to be intended use, applicant is only claiming that the stationary member and rotatable member have blades). Furthermore as

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pointed out in the reference that the casing 5 is the exhaust, hence the fluid is traveling from left to right of the figures, depending on which way the fluid travels one can consider the stationary member having blades to be 11 on the member 3 or blades 11 on member 2.

The plurality of blades extending radially from the stationary body are **generally** orthogonal to the plurality of blades extending from the rotatable body (the blades 12 are angled in one direction of a rotational axis of the rotatable body and the blades 11 are angled in an opposite direction to the rotational axis of the rotatable body).

The plurality of blades extending radially from the rotatable body are aligned at an angle between about 1 degree and about 89 degrees relative to a rotational axis of the rotatable body (the blades 12 are angled relative to the rotational axis).

The plurality of blades extending radially from the stationary body are aligned at an angle of between about 1 degree and about 89 degrees relative to the rotational axis of the rotatable body (blades 11 are angled relative to the rotational axis).

There is a gap between the blades of the rotatable body and the stationary body (gap between edge of the blades 12 and the stationary body 2). There is also a gap between the blades of the stationary body and the rotatable body (gap between edge of the blades 11 and the rotatable body).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 4, 6, 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kreitmeier.

Kreitmeier discloses the claimed invention except that the angle of the blades on the rotatable and stationary body is about 60 degrees relative to the rotational axis of the rotatable body. Discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980). Without the showing of some unexpected result. Since applicant has not shown some unexpected result the inclusion of this limitation is considered to be a matter of choice in design. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the angle to be 60 degrees as a matter of design choice.

5. Claims 9-10 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kreitmeier.

Kreitmeier discloses the claimed invention except that the gap between the blades of the rotatable body to the stationary is 0.6mm and the gap between the blades of the stationary body to the rotatable body is 0.6 mm. Discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980). Without the showing of some unexpected result. Since applicant has not shown some unexpected result the inclusion of this limitation is considered to be a matter of choice in design. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have to have a gap between the blades of the rotatable body to the stationary is 0.6mm and the gap between the blades of the stationary body to the rotatable body is 0.6 mm.

Response to Arguments

6. Applicant's arguments filed 8/29/05 have been fully considered but they are not persuasive.

Applicants' argument against Kreitmeier that it fails to disclose plurality of blades coupled to the stationary body positioned proximate to a plurality of blades to a rotatable body is not persuasive because as pointed above that Kreitmeier shows or teaches blades on member 2, which is stationary and blades 12 that are rotatable.

Applicants' argument that Kreitmeier does not teach that the rotatable blades moves fluid toward the stationary blades is not persuasive because applicant is claiming a seal and this limitation is considered to be intended use. Furthermore as pointed in the rejection above that Kreitmeier does say that 5 is an exhaust casing, hence each rotatable blades 12 mounted on 1 moves a fluid toward each last stationary blades 11.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vishal Patel whose telephone number is 571-272-7060. The examiner can normally be reached on 6:30am to 8:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather C. Shackelford can be reached on 571-272-7049. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VP
November 7, 2005

A handwritten signature in black ink, appearing to read 'Vishal Patel', is written over a horizontal line.

Vishal Patel
Patent Examiner
Tech. Center 3600